

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WINTER INVESTORS, LLC, *et al.*,

Plaintiffs,

-v.-

SCOTT PANZER, *et al.*,

Defendants.

14 Civ. 6852 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of the letters from counsel for Plaintiffs (Dkt. #199, 201, 203), and from counsel for Defendants Verschleiser and EVE, LLC (Dkt. #200, 202). The Court continues to be disappointed in the parties' inability to proceed in good faith and on schedule.

The parties are hereby ORDERED to meet and confer to determine a single date and time in the remainder of January at which time both parties' devices will be searched. The parties shall notify the Court by letter, at least 24 hours in advance, of the date and time selected, as well as the method of examination of the devices — remote or in person — and any other details regarding coordination with and among the retained experts. The parties are further directed to reach agreement on a privilege retention and review protocol within 24 hours of the device examinations, or to file a joint letter to the Court addressing their competing proposals.

Plaintiffs' counsel is ORDERED to respond in writing, on or before **January 29, 2021**, to the request for information regarding his client's data losses in 2016, as discussed in Mr. Gulko's first letter of January 14, 2021

(Dkt. #200). Examination of the parties' devices is not contingent on this response and shall proceed in the interim.

Plaintiffs' request for sanctions against Defendant Verschleiser and his counsel is DENIED at this time. However, the parties are warned that any further dilatory tactics will not be tolerated.

The Clerk of Court is directed to terminate the motions at docket entries 199 and 201.

SO ORDERED.

Dated: January 15, 2021  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge